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5 Attorneys for Defendant Church of
 6 Scientology International

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 GERALD ARMSTRONG,

CASE NO. CV-N-97-00670 ECR (RAM)

11 Plaintiff,

12 vs.

AFFIDAVIT OF COUNSEL

13 DAVID MISCAVIGE and CATHY
 NORMAN, individuals; CHURCH OF
 14 SCIENTOLOGY INTERNATIONAL, a
 California corporation; the RELIGIOUS
 15 TECHNOLOGY CENTER, a California
 corporation; the SEA ORGANIZATION,
 16 a California based unincorporated entity;
 and the CHURCH OF SCIENTOLOGY
 17 OF TEXAS, a Texas corporation,

18 Defendants.
 19
 20

21 STATE OF NEVADA)
 22 COUNTY OF WASHOE) ss:

23 1. I am local counsel for Defendants in Gerald Armstrong v. Religious Technology Center, et
 24 al., CV-N-97-00670-ECR (RAM).

25 2. On July 9, 1998, Judge Edward C. Reed, Jr. issued a ruling on Defendants' Motion to
 26 Dismiss which set an evidentiary hearing on the issue of subject matter jurisdiction for August 20, 1998.
 27 Judge Reed specifically identified the issue: "Mr. Armstrong must therefor demonstrate a physical presence
 28 in Nevada as of November 24, 1998[.]"

1 3. Notice of Taking Deposition of Gerald Armstrong, setting the time for the deposition of the
2 Plaintiff for August 3, 1998, on the limited issue of his residency and citizenship was mailed to Mr.
3 Armstrong's counsel on July, 15, 1998.

4 4. On Monday July 20, 1998, I contacted the law offices of George Abbott and spoke to his
5 secretary who informed me that Mr. Abbott was on vacation the first two weeks of August. I asked Mrs.
6 Abbott for convenient dates for Mr. Abbott and was informed that Mr. Abbott was on his way to California
7 but would be checking in and she would relay my request.

8 5. Despite repeated attempts to contact Mr. Abbott for those dates, contact was not made until
9 today's date. I informed Mr. Abbott that we would be willing to take the Plaintiff's deposition on July 28,
10 29 or 30, 1998 in order to accommodate his schedule.

11 6. In order to make a good faith effort to avoid this Motion, I personally spoke at length with
12 Mr. Abbott and was informed that the Notice of Taking Deposition violated the 30 day rule; that Mr.
13 Armstrong would not appear at any deposition until "the papers in Marin County were unsealed"; and that
14 Mr. Armstrong would not appear at any deposition unless ordered to appear by this Court.

15 7. The Plaintiff's deposition has been set after multiple consultations with several out-of state
16 counsel. The deposition is simply limited to the issue of Plaintiff's residence and is of critical importance
17 to Defendants' Motions to Dismiss this lawsuit.

18 8. Pursuant to LR 26-7 I certify that, after personal consultations and a sincere effort to do so,
19 counsel have been unable to resolve the matter without court action.

20 9. I have knowledge of and am competent to testify to the matters stated herein, except to those
21 matters stated on information and belief, and as to those matters, I believe them to be true.

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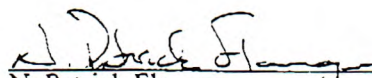
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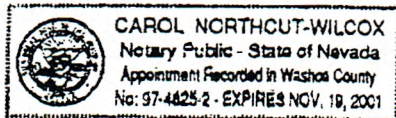
10. I, N. Patrick Flanagan, do hereby swear under penalty of perjury that the foregoing assertions
are true.

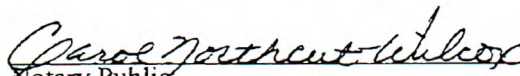
DATED this 24th day of July, 1998.


N. Patrick Flanagan

STATE OF NEVADA)
COUNTY OF WASHOE) ss.

Signed and sworn to before me on July 24, 1998, by N. Patrick Flanagan.




Notary Public
My Commission Expires: 11-19-2001

Hale Lane Peck Dennison Howard and Anderson
100 West Liberty Street, 10th Floor
Reno, Nevada 89501

Sylvia Baldemor
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